

HPA Program Technical Review Task Force Meeting
9-4 pm, Tuesday, August 27, 2002
Lacey Community Center, Lacey WA

Final Meeting Summary

Action Items

- Bill Moore and Russ Cahill will approach local government to request their participation in the Task Force, particularly regarding stormwater issues.
- Pat Chapman will email the WDFW Interim Stormwater Guidelines and Peter Birch's stormwater presentation to Task Force.
- Task Force participants will review the WDFW Interim Stormwater Guidelines and provide comments to Peter Birch by September 11 to allow for final agency discussion at the September 17 staff meeting.
- Pat Chapman will route the meeting summary for August 13th, as amended at this meeting, to the WDFW webmaster for posting on the WDFW website.
- Gayle Kreitman will draft a framework for Hydraulic Project Approval Permit fees.
- Pat Chapman will provide the training opportunities documents developed by TPEAC subcommittees.
- Pat Chapman will draft an outline of the Task Force report to the legislature.
- Peter Birch and Bill Moore will produce a map detailing who covers stormwater now and following Phase II implementation. They will also produce a list of regulations.
- Peter Birch will identify where defaults in the Interim Stormwater Guidelines are from.
- Pat Chapman will determine the number of stormwater HPAs issued by WDFW and estimate how many fewer might be issued under the Interim Stormwater Guidelines.
- Russ Cahill will work with WDFW management and staff to facilitate completion of the compliance policy update.
- Pat Chapman will provide the list of training needs of Area Habitat Biologists identified by WDFW staff.
- Pat Chapman will provide a summary of WDFW biologist's evaluations of the May, 2002 training on HPA issues.

Previous Action Items Not Yet Completed

- Hedia Adelsman will report on information the Permit Assistance Center tracks regarding JARPA.
- Hedia Adelsman will provide WDFW with Ecology Water Right database contact information.

Welcome, Meeting Purpose, Agenda Review, and Introductions

Chairman Russ Cahill welcomed participants. He then turned the meeting to Vicki King, facilitator from Triangle Associates.

Vicki reviewed the day's agenda and asked for comments on the meeting summary. The summary was revised to show comments and changes in regards to bail amounts, etc. from John Broome (WDFW Enforcement). The revised summary was approved as final and authorized to be posted on the WDFW website.

Meeting Attendees

A list of attendees, plus contact information, is at the end of this summary.

Responses to August 13 Data Requests

Gayle Kreitman, WDFW Regulatory Services Section Manager, went through handouts provided to the Task Force and offered brief explanations, where necessary. No discussion occurred in regards to the handouts.

Stormwater

Peter Birch, WDFW Habitat Program Deputy Assistant Director, gave a presentation regarding the WDFW interim guidelines for issuing stormwater HPAs. This was followed by a lengthy question, answer discussion session regarding stormwater issues. The issues of concern expressed by the Task Force are as follows:

- Review role of cities, counties and other local jurisdictions in permitting stormwater.
 1. What is the status of their programs?
 2. Are there overlaps/duplications and gaps?
- Concern about staffing/workload impacts of HPA permit program.
- Concern about duplication of permit requirements for applicants and lack of overall streamlining of process.
- How do we monitor?
- How do we assure compliance?
- Suggestions:
 - >Encourage smaller local jurisdictions facing growth (industrial development) to look at existing programs that work well.
 - >Create a map that shows who's doing what now (phase 1) and what's expected in the future (phase 2).

Priority Issues: Consistency, Streamlining, Compliance

Before and after lunch the subgroups convened and worked on the priority issues identified in previous Task Force meeting. They then reported out on the following topics:

Consistency

Issue addressed: *Appeals*

Key points from the discussion:

- Informal – keep it as it is.
- Formal – should be heard by Hydraulic Appeals Board – can be absorbed given the number of formal appeals filed.
- Data for background.
- Legislative action would be necessary to change existing statutes.
- WDFW should capture the outcome of appeal decisions for training and for lessons learned (record the history of decisions).

Tentative Areas of Agreement:

- Appeals to Hydraulic Appeals Board – legislative review cost? Information to support the recommendation.
- WDFW should publish digest of appeals, keep it up to date, similar to shoreline/water rights.

Issue addressed: ***Institutional/Organizational Issues***

Key points from the discussion:

- Interpretation of the WDFW statutory authority (Lea Mitchell will draft a definition of consistency).
- Problem – Decentralization presents challenges, lack of checks and balances to ensure consistency between/within regions and statewide.
- Recommendations:
 - Mechanisms to ensure consistency with interpretation and application of the statutes need to be in place and must include increased oversight - higher level of review at regions and headquarters.
 - Need written guidance to staff on how to process HPAs
 - Training, mentoring, increased communication at all levels of WDFW
 - Quality Assurance and Quality Control.

Issue Addressed: ***Legal Standard***

Key points from the discussion:

- Flexibility to apply the code site by site and allow area biologist to have different work window than specified in the code.
- Inconsistent work window between biologists and between WDFW, NMFS, USFWS (ESA).
- Inconsistent work window is needed to protect fish and is allowed by the code.

Tentative Areas of Agreement:

- WDFW develops, with stakeholder involvement, consistent guidance or approach for establishing in water work window.
- Considering the presence of fish and various in water construction activities and their impact pathways.

Issue Addressed: ***Training and Guidance***

Key points from the discussion:

- Improved orientation for new staff.
- Regular training program – may include annual event as well as multiple sessions:
 - Training should include:
 - Mentoring
 - Technology transfer
 - Staff still sharing experience
 - Field training
- On going integration of permit decisions and resolution of appeals into the staff training.
- Summary/digest of decision.
- Increased communication - horizontally and vertically.
- Quality Assurance and Quality Control (feedback loop to evaluate training).
- Explore and implement training between state agencies and between WDFW/Regulated community.

Questions/Issues for discussion by the Task Force:

- All training recommendations should be packaged by the Task Force.
- Manual/training evaluation that was done by WDFW staff – committee should review to see if there are recommendations that can be adopted by the Task Force.

Streamlining

Issue Addressed: ***Data Base***

Key points from the discussion:

- WDFW needs to be able to track permit applications, approvals, conditions, compliance, performance (how long to issue permit) customer satisfaction (or complaint).
- Track projects underway in each watershed.
- When application was received – site inspections – when was HPA issued.
- How many projects completed, how many appealed (for denial or HPA conditions). Results of appeal.

Issue Addressed: ***Technical Assistance to Applicants***

Key points from the discussion:

- Sample complete applications by project type, including potential “fact sheets” for conditions in approved application (statement of basis - give legal authority and technical basis for terms and conditions).
- Develop “Boilerplates” for applications.
- Possibly use NRCS handbook as model for certain technical assistance.
- Advise applicants to go to Permit Assistance Center (does that office have handouts that WDFW could hand to potential clients?)
- Advise applicants of right to have coordinated permitting process available through the Permit Assistance Center.
- Additional simple projects moved to “pamphlet” permitting?
- List of experienced contractors knowledgeable of HPA process.

Issue Addressed: ***Training for WDFW Staff***

Key points from the discussion:

- Legal authority boundaries – General Policy standards
 - Olympia WDFW management needs to be clear in directing staff –
 - What is policy?
 - What are the limits of law?
 - Strive for consistency between area biologists
 - What are departmental priorities?
 - Legislative verbiage is very broad and open to interpretation.
 - Look at HPA manual.
 - Tighten standards but preserve discretion of area biologist for site specific.
 - Stay away from “pet projects” that exceed mitigation authority.
 - Deviation from standards requires approval of supervisor.
- HPA Manual
 - Address more policy, not just procedure.

Compliance

Issue Addressed: ***Pre & Post “As Built” Inspection***

Key points from the discussion:

- Need some finality - compliance check offs.
- May wish to change entire permitting process.

Issue Addressed: ***Who is responsible for compliance at each step?***

- This sub-group will further explore this issue. Looking at the regulations and statutes for clarification.

Issue Addressed: ***List of Technical Providers***

- Contractors & technical services provided by WDFW to applicant on request.
- Permit not conditioned by choice of provider.
- Contractor list based on experience level, contractor added by request.

Work Groups

The Members and Representatives have decided on the following teams to work on the above issues:

Consistency® Doug Myers, Patty Lynch (Gregor Myhr), Dick Gilmur, Hedia Adelsman, Ed Manary, Lea Mitchell, Bill Moore, Jay Udelhoven

Streamlining® Willy O’Neil (Bart Madison), Robyn Meenach, Carol Peining, Frank Easter, Deborah Wilhelmy, Bruce Wishart

Compliance® Lisa Brautigam, Greg Christensen, John Hollowed, Kristen Sawin(?), John Broome, Nina Carter

Next HPA Task Force Meeting

The next HPA Task Force meeting is scheduled for September 24 and 25, 2002 at the Olympia Center, 222 N. Columbia St., Olympia from 9 to 4 each day. Directions to the Olympia Center may be found at <http://www.ci.olympia.wa.us/par/olycenter/directions.asp>

Meeting Attendees and Contact Information

Task Force Members and Alternates:

Chairman, Russ Cahill	F&W Commission Chair	woodardcrk@aol.com	360-357-3929
Ron Ozment	F&W Commission	ozmentra@msn.com	360-795-3440
Greg Christensen	Resources Coalition	gomer3@msn.com	360-734-9495
Dick Gilmur	Port of Tacoma	dgilmur@portoftacoma.com	253-383-9464
Lea Mitchell	WA Enviro. Council	wapeer@peer.org	360-528-2110
Gregor Myhr	WSDOT	myhrg@wsdot.wa.gov	360-705-7487
Patty Lynch		lynchp@wsdot.wa.gov	360-705-7448
Nina Carter	Audubon Society	Ncarter.@audubon.org	360-786-8020 x208
Robyn Meenach	WA Farm Bureau/	rmeenach@wsfb.com	509-448-9443
Lisa Brautigam-Alt.	WA Cattleman's Assoc.	lbautigam@mcelroylaw.com	206-654-4160
John Hollowed	NWIFC	jhollowed@nwifc.wa.gov	360-438-1180
Bruce Wishart	People for P.S.	bwishart@pugetsound.org	360-7549177

Invited Government Agency Representatives:

Doug Myers	PS Water Quality Action Team		360-407-7322
Bill Moore	WA Ecology	Bmoo461@ecy.wa.gov	360-407-6444
Hedia Adelsman	Enviro. Hearings Office/ Hydraulic Appeals Bd.	Hade461@ecy.wa.gov	360-407-6222
Jay Udelhoven	WA DNR	jay.udelhoven@wadnr.gov	360-902-1060
Ed Manary	WA Conservation Comm.	Eman461@ecy.wa.gov	360-407-6236
Jim Skalski	WA Office of Financial Mgmt.	Jim.skalski@ofm.wa.gov	360-902-0654
Frank Easter	NRCS	Frank.easter@wa.usda.gov	509-323-2961
Deborah Wilhelmy	IAC/SRFB	debra@iac.wa.gov	360-902-3026

Observers:

Candice Christensen	Gomer3@msn.com	360-734-9595
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Peter Heide		360-705-9287

Facilitator:

Vicki King	yking@triangleassociates.com	206-583-0655
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WDFW Staff:

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